

REMARKS/ARGUMENTS

Claims 1-2, 4-6, and 8-22 are pending in this application. Independent Claim 1 is amended.

Claim rejections under 35 USC 103

Claims 1-2, 4-6 and 8-22 stood rejected in the Office Action mailed on 7/31/2002 under 35 USC 103(a) as being unpatentable over Stein (U.S. Patent 5,532,874) in view of Montague (U.S. Patent 6,262,838). Applicant respectfully asserts that the combination of Stein and Montague fails to teach, suggest or even hint to a specimen receiving device and the scanning device both being rotatable and linearly displaceable, as claimed in amended independent Claim 1. Claims 2, 4-6 and 8-22 hinge off independent amended Claim 1 and are now patentable. Therefore, withdrawal of this rejection is respectfully requested.

Claims 11-12 were rejected under 35 USC 103(a) as being unpatentable over Stein in view of Montague and further in view of Olexa (US Patent 3,625,586). For the reasons stated above, Applicant respectfully asserts that the Stein patent in combination with the Montague Olexa patents does not teach or suggests the invention claimed in independent amended Claim 1. Claims 11-12 as amended incorporate all the limitations of independent amended Claim 1 and are now patentable. Therefore, withdrawal of this rejection is respectfully requested.

Claim 18 was rejected under 35 USC 103(a) as being unpatentable over Stein in view of Polcyn (US Patent 4,191,940). For the reasons stated with regard to amended Claim 1, Applicant respectfully asserts that the Stein patent in combination with the Montague and Polcyn patents does not teach or suggests the invention claimed in independent amended Claim 1. Claim 18 incorporates all the limitations of independent amended Claim 1 and is now patentable. Therefore, withdrawal of this rejection is respectfully requested.

Claims 19-20 were rejected under 35 USC 103(a) as being unpatentable over Stein in view of Krantz (US Patent 6,248,988). For the reasons stated with regard to amended Claim 1,

Application No. 09/681,008  
Filed: November 15, 2000  
Group Art Unit: 2881

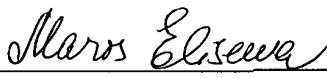
Applicant respectfully asserts that the Stein patent in combination with the Montague and Krantz patents does not teach or suggest the invention claimed in independent amended Claim 1. Claims 19-20 incorporate all the limitations of independent amended Claim 1 and are now patentable. Therefore, withdrawal of this rejection is respectfully requested.

Applicants respectfully requests expeditious consideration and allowance of the present application. The Examiner is invited and encouraged to telephone the undersigned with any questions concerning the issuance of the present application.

### CONCLUSION

The Examiner is kindly invited to telephone the undersigned to resolve any questions to expedite the allowance of the pending Claims. The listing of all Claims is presented as a complete marked-up listing (without the clean version) in accordance with the Pre-OG Notice of the Office of Patent Legal Administration of 1-31-03  
(<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/revamdtprac.htm>).

Respectfully submitted,

  
\_\_\_\_\_  
Maria Eliseeva, Reg. No. 43,328  
Customer No. 21710  
Brown Rudnick Berlack Israels LLP  
One Financial Center  
Boston, MA 02111  
Phone: 617-856-8340  
Fax: 617-856-8201

Dated: April 7, 2003